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**IN THE
COURT OF APPEALS OF INDIANA**

FOREST HILL,

Appellant-Defendant,

VS.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 49A05-0608-CR-411

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Danielle Gaughan, Master Commissioner
Cause No. 49G16-0605-CM-91450

March 29, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Forest Hill appeals his convictions for two counts of Battery, as Class A misdemeanors, following a bench trial. He presents a single issue for our review, namely, whether the State presented sufficient evidence to support his convictions.

We affirm.

FACTS AND PROCEDURAL HISTORY

On May 20, 2006, Desiree Griffin and her son Devion Griffin were staying overnight with Hill when Hill, who was high on crack cocaine, demanded money from Desiree. When Desiree refused the request, Hill attacked her, biting her on the face and chest. Devion tried to help his mother, and Hill bit Devion on his chest, breaking the skin. Desiree called police, who came to the scene and arrested Hill.

The State charged Hill with domestic battery, as a Class A misdemeanor, and two counts of battery, as Class A misdemeanors. At the bench trial, Hill moved to dismiss the domestic battery charge, and the trial court granted that motion. At the conclusion of trial, the trial court entered judgment of conviction on the remaining two counts and sentenced Hill to concurrent one-year sentences. This appeal ensued.

DISCUSSION AND DECISION

Hill contends that the State presented insufficient evidence to support his convictions. When reviewing the claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of the witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the judgment and the reasonable inferences therein to determine whether a reasonable trier of fact could

conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id.

To prove the two counts of battery, as Class A misdemeanors, the State was required to prove that Hill knowingly or intentionally touched Desiree and Devion in a rude, insolent, or angry manner resulting in bodily injury. See Ind. Code § 35-42-2-1. At trial, Desiree testified that after she refused Hill's request to give him money, he "jumped on top of [her]," bit her nose, and squeezed her breasts "real hard with his nails on the side." Transcript at 7-8. In addition, Devion testified that when he tried to help his mother, Hill bit him on the chest, breaking the skin. That evidence is sufficient to support Hill's convictions.

Still, Hill contends that his convictions cannot stand because he was merely defending himself from an attack initiated by Desiree. But that contention amounts to a request that we reweigh the evidence, which we will not do. The State presented sufficient evidence to support Hill's convictions.

Affirmed.

MAY, J., and MATHIAS, J., concur.